

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 19, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-13164 - APPLICANT: SONGVUTH
CHAROENBANPACHON - OWNER: MARIEN T. AND ARISTEDES C. PARAS

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Secondhand Dealer use.
2. This approval shall be void one year from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All graffiti must be removed from this site prior to the issuance of a business license.
4. All trash in the back alley of the development must be removed prior to the issuance of a business license.
5. This business shall be limited to the sale of new and used Jewelry, and associated scrap metals as defined in LVMC Chapter 6.74.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Secondhand Dealer (Jewelry) at 1954 East Charleston Boulevard.

EXECUTIVE SUMMARY

The proposed Secondhand Dealer would sell new and used jewelry and related items. The site is appropriate for this type of development. The site will require some clean up as it is currently in sub par condition regarding the trash in the back alley and graffiti on the site. Conditions of approval have been added accordingly. As the location is appropriate and is in compliance with standards approval of this request is recommended.

BACKGROUND INFORMATION

A) Related Actions

01/18/95 The City Council approved a Special Use Permit (U-293-94) to allow a Class III Secondhand Dealership for the buying and selling of new and used jewelry at 502 South Las Vegas Boulevard. It is noted that this is the original location of the subject business, the applicant wishes to relocate to the proposed location of 1954 East Charleston Boulevard.

The proposed business, Wendy's Buy and Sell, was originally located at 502 South Las Vegas Boulevard. This location no longer exists. The business license is currently listed as out of business due to the establishment not having a location at which to operate.

06/22/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #5/ng).

B) Pre-Application Meeting

04/17/06 A pre-application meeting was held and elements of a Special Use Permit application were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.62

B) *Existing Land Use*

Subject Property: Retail
North: Commercial
South: Single Family Residential
East: Retail/Restaurant
West: Retail

C) *Planned Land Use*

Subject Property: C (Commercial)
North: MXU (Mixed Use)
South: L (Low Density Residential)
East: C (Commercial)
West: C (Commercial)

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
North: C-2 (General Commercial)
South: R-1 (Single Family Residential)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) *General Plan Compliance*

The subject property is designated as C (Commercial). The Commercial designation allows commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. This includes the proposed use as a Secondhand Dealer.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Downtown Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Downtown Redevelopment Plan Area

The subject property is designated as C (Commercial) by the Downtown Redevelopment Plan. The Commercial designation allows for a variety of uses including the proposed Secondhand Dealer Use.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

The proposed Secondhand Dealer will not increase the parking requirements for the site. The Secondhand Dealer is calculated as a retail use and is replacing a retail use. The proposed suite is 658 square feet and would require four parking spaces. Although this application would not require the site to obtain a Variance for parking and due to this being retail replacing retail a parking analysis was not required, it is noted that parking on this site is lacking and more than likely does not meet the current standards of Title 19.10.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Secondhand Dealer use.

B) General Analysis and Discussion

- **Zoning**

The property is zoned C-1 (Limited Commercial). The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The proposed use as a Secondhand Dealer is permissible in the C-1 (Limited Commercial) District with approval of a Special Use Permit. This application is intended to satisfy that requirement.

- **Use**

“Secondhand Dealer” means a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this definition, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns.

The term includes the sale of jewelry (Class III type) and scrap precious metals as defined in LVMC Chapter 6.74, but does not include the sale of junk as defined in that Chapter, the sale of used cars or the sale of other items which the City Council determines do not fit within the intent of this term. The term does not include the buying and selling of foreign or domestic coins for numismatic purposes, which shall be allowed where retail sales of new merchandise, is permitted.

The proposed business, Wendy's Buy and Sell, was originally located at 502 South Las Vegas Boulevard. This location no longer exists. The business license is currently listed as out of business due to the establishment not having a location at which to operate. The proposed business would sell secondhand jewelry and related items.

- Conditions

SECONDHAND DEALER [C-1, C-2]

(*1) No outdoor display, sales or storage of any merchandise shall be permitted.

(*2) The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.

(*3) No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The shopping center currently houses other small retail establishments and a small Thai restaurant. This area of Charleston Boulevard is primarily used for small retail uses similar to the proposed business. The proposed Secondhand Dealer is suitable for this location and can be conducted in a manner that is harmonious and compatible with the surrounding land use.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The proposed location is in a small shopping center located on the corner of Charleston Boulevard and Crestwood Avenue. The shopping center is suitable for the proposed Secondhand Dealer. It is noted that the site will require some clean up. A site inspection found that there was an abundance of trash in the alley behind the shopping center. This is adjacent to a residential use and needs to be taken care of. This has been addressed with conditions of approval relating to the removal of trash and graffiti.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

This site gains its primary access from Charleston Boulevard a 100-foot Primary Arterial. Secondary access is from Crestwood Avenue. These two routes provide adequate traffic flow for the small shopping center.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The proposed Secondhand Dealer will not compromise the public health or general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 185 by City Clerk

APPROVALS 0

PROTESTS 0